

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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GOVERNMENT EMPLOYEES INSURANCE  
COMPANY, GEICO INDEMNITY COMPANY,  
GEICO GENERAL INSURANCE COMPANY  
and GEICO CASUALTY COMPANY,

Docket No.: 1:20-cv-05786-PKC-SJB

Plaintiffs,

-against-

BIG APPLE MED EQUIPMENT, INC., DAVID  
ABAYEV, ALEKSANDR MOSTOVOY, D.C.,  
SURESH PAULUS, D.O., ASHLEY KIAEI,  
D.C., PETER MARGULIES, D.C., and JOHN  
DOE DEFENDANTS 1-10,

Defendants.

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**NOTICE OF MOTION TO STAY AND ENJOIN**

**PLEASE TAKE NOTICE** that Plaintiffs Government Employees Insurance Company, GEICO Indemnity Company, GEICO General Insurance Company and GEICO Casualty Company (collectively, “GEICO” or “Plaintiffs”) respectfully move this Court for an Order, pursuant to Fed. R. Civ. P. 65 and the Court’s inherent power:

- (i) staying all pending No-Fault insurance collection arbitrations that have been commenced against GEICO by or on behalf of Defendant Big Apple Med Equipment, Inc. (“Big Apple”) pending disposition of GEICO’s declaratory judgment claim in this action;
- (ii) enjoining Big Apple, and anyone acting on their behalf, from commencing any further No-Fault insurance collection arbitration or litigation against GEICO pending disposition of GEICO’s declaratory judgment claim in this action; and
- (iii) such other and further relief as the Court deems just.

**PLEASE TAKE FURTHER NOTICE** that any papers in opposition to this motion shall be served in accordance with Local Civil Rule 6.1(b).

Dated: Uniondale, New York  
February 17, 2021

Respectfully submitted,

RIVKIN RADLER LLP

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GEICO General Insurance Company, and GEICO  
Casualty Company*